

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH M. ADZIMAH,

Plaintiff,

-against-

SECRETARY WILBUR L. ROSS, *United  
States Department of Commerce,*

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 6/22/2021

19-cv-9574 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Joseph Adzimah, proceeding *pro se*, initiated this action by filing a complaint in October 2019 [ECF #2]. Adzimah alleges that his employer, the United States Census Bureau, discriminated against him on the basis of a disability. In December 2019, Defendant filed a motion to dismiss the complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim [ECF #11, 12].

In an Order dated January 6, 2020, the Court granted Adzimah until February 7, 2020 to file an amended complaint [ECF #13]. The Court explained that “Plaintiff is on notice that declining to amend his pleadings to timely respond to fully briefed arguments in the Defendant’s December 30 motion may well constitute a waiver of the Plaintiff’s right to use the amendment process to cure any defects that have been made apparent by the Defendant’s briefing. *See Loreley Fin. (Jersey) No. 3 Ltd v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015).” In a letter dated February 4, 2020, Adzimah requested an extension of time, until February 28, 2020, to amend his complaint [ECF #14], which the Court granted [ECF #16]. Then, in a letter dated February 28, 2020, Adzimah requested “one more extension” of time, “preferably a month,” to amend his complaint [ECF #18], which the Court again granted. The Court set a new deadline of March 27, 2020 [ECF #19].

Nearly six months after the March deadline, however, Adzimah had not filed an amended complaint, nor had he taken any other action to prosecute his case. The Court therefore issued an order, dated September 23, 2020, directing Adzimah to file an amended complaint or respond to Defendant's motion to dismiss by October 14, 2020 [ECF #20]. The Court warned Adzimah that failure to comply with court orders and prosecute his case might result in dismissal, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Adzimah then requested yet another extension of time to amend, and the Court again granted his request [ECF #22]. The Court explained, however, that it would not entertain another such request and again warned Adzimah about the risk of dismissal pursuant to Rule 41(b). Adzimah filed the Amended Complaint on October 30, 2020 [ECF #23], and Defendant responded with a motion to dismiss [ECF #26, 27].

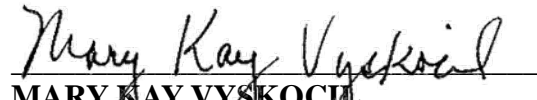
The Court directed Adzimah to file his opposition to the motion to the motion to dismiss the Amended Complaint by January 19, 2021 [ECF #25]. In that Order, the Court stated: "Plaintiff is on notice that failure to comply with this Order and prosecute his case may result in dismissal." However, Adzimah has again ignored a court order and failed to take any action to prosecute his case for months on end.

A district court has "inherent power to supervise and control its own proceedings and to sanction counsel or a litigant for . . . disobeying the court's orders," including by dismissal. *Mitchell v. Lyons Prof'l Servs., Inc.*, 708 F.3d 463, 467 (2d Cir. 2013) (quoting *Mickle v. Morin*, 297 F.3d 114, 125 (2d Cir. 2002)); *see also Lewis v. Rawson*, 564 F.3d 569, 575 (2d Cir. 2009). The Court has afforded Adzimah every leniency and has repeatedly warned him that failure to prosecute his case could result in dismissal [ECF #20, 22, 25]. The Court cannot maintain this case on its docket month after month, year after year, issuing orders directing Adzimah to take

basic steps to avoid dismissal. Adzimah chose not to file any opposition to Defendant's motion to dismiss, despite the Court's clear warning that failure to do so could result in dismissal of this action [ECF #25]. Accordingly, IT IS HEREBY ORDERED that this case is dismissed, with prejudice, for failure to prosecute.

**SO ORDERED.**

**Date: June 22, 2021**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**